

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

THOMAS H. KRAKAUER,)
on behalf of a class of persons,)
)
Plaintiff,)
)
v.) 1:14-CV-333
)
DISH NETWORK, L.L.C.,)
)
Defendant.)

FINAL JUDGMENT

This class action concluded with a jury verdict on January 19, 2017. The verdict is attached as Exhibit 1. Pursuant to Federal Rules of Civil Procedure 54 and 23, the Court now enters final judgment on behalf of the class, and it is **ORDERED** and **ADJUDGED** that:

1. Exhibit 2, filed under seal, describes the 18,066 class members to whom the Rule 23(c)(2) notice was directed, who have not requested exclusion, and whom the Court finds to be class members. It also lists the number of violative phone calls to each class member.

2. Consistent with the jury's verdict and the Court's Order awarding treble damages, each member of the class shall recover from the Defendant, DISH Network, LLC, the amount of \$1,200 per call made in violation of the Telephone Consumer Protection Act, for an aggregate award in favor of the class of \$61,342,800.00.

3. The class is entitled to post-judgment interest on the jury's award at the rate of 1.52% per annum.

4. Pursuant to Federal Rules of Civil Procedure 23(h)(1) and 54(d)(2), any motion for attorneys' fees, expenses, and nontaxable costs must be filed no later than 30 days after entry of this Judgment.

5. Any motion for taxable costs shall be filed on the schedule set by Local Rule 54.1.

6. The Court will enter disbursement orders at appropriate times during and at the conclusion of the claims process established by Order of the Court entered this day.

IT IS SO ORDERED.

This 5th day of April, 2018.


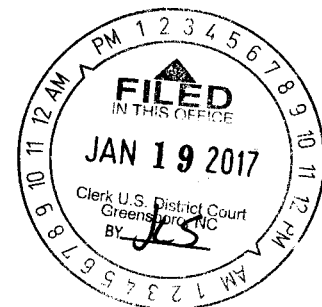

UNITED STATES DISTRICT JUDGE

Exhibit 1
Verdict Sheet
14cv333

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THOMAS H. KRAKAUER,)
)
Plaintiff,)
)
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DISH NETWORK L.L.C.,)
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VERDICT SHEET

1. Was SSN acting as Dish’s agent when it made the telephone calls at issue from May 11, 2010, through August 1, 2011?

YES

NO

If Yes, continue to Question 2. If No, skip all other questions and sign the verdict sheet.

2. Did SSN make and class members receive at least two telephone solicitations to a residential number in any 12-month period by or on behalf of Dish, when their telephone numbers were listed on the National Do Not Call Registry?

YES as to Dr. Krakauer and all class members

If Yes, continue to Question 3 and skip the following questions.

YES as to Dr. Krakauer and all class members except the following, whose numbers plaintiff has not proven were residential:

Telephone numbers that LexisNexis always identifies as “unknown”

Telephone numbers that LexisNexis identifies as residential before May 11, 2010 or after August 1, 2011

- Telephone numbers that LexisNexis identifies as "unknown" in the May 2010 to August 2011 time period that the calls were made but identifies differently at other times
- Telephone numbers that LexisNexis identifies as both residential and "unknown"
- Telephone numbers that LexisNexis always identifies as residential, including in the May 2010 to August 2011 time period that the calls were made
- Telephone numbers that LexisNexis identifies as cellular and possibly cellular

NO

If you answer Yes in whole or in part, also answer Question 3. If you answer No to Question 2, skip Question 3 and sign the verdict sheet.

3. What amount, up to \$500, do you award for each call made in violation of the TCPA?

\$ 400.00

Robert Jackson
Foreperson

01/19/2017
Date

Exhibit 2

List of 18,066 Class Phone Numbers

(REDACTED)

14cv333